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In re Application of

DEC 20 2005

: Joseph G. Farmerie

OFFICE OF PETITIONS

: Application No. 09/997,678

: DECISION ON PETITION

: Filed: November 29, 2001

: Attorney Docket No. 10807.0098.NPUS00

This is a decision on the petition under 37 CFR §1.137(b), October 11, 2005, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$1400.00 and publication fee of \$300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed August 2, 2004. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on November 3, 2004.

The issue fee of \$1400.00 and publication of \$300.00 were received on October 11, 2005.

Form PTOL-85(b) , filed October 11, 2005, is noted and made of record.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The request for a change of the correspondence address cannot be entered because a person that is neither the inventor, nor the assignee, or a person that has been given power of attorney in the application made the request. Although a courtesy copy of the decision is being mailed to the address as cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application file is being forwarded to the Office of Patent Publications for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.



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cc:

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